

**OFFICE OF THE MAYOR
CITY AND COUNTY OF HONOLULU**

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KIRK CALDWELL
MAYOR

ROY K. AMEMIYA, JR.
MANAGING DIRECTOR

GEORGETTE T. DEEMER
DEPUTY MANAGING DIRECTOR

November 17, 2017

Mr. Glen Takahashi
City Clerk
Office of the City Clerk
530 South King Street
Honolulu, Hawaii 96813

Dear Mr. Takahashi:

SUBJECT: Approved Bills

The following Bills are approved and returned herewith:

Bill 53, (2017) CD1	Relating to nonconforming structures.
Bill 72, (2017) CD2	Relating to City-owned streams.

Sincerely,

A handwritten signature in black ink, appearing to read "Kirk Caldwell", is written over a horizontal line.

Kirk Caldwell
Mayor

Attachments

RECEIVED
CITY CLERK
C & C OF HONOLULU
2017 NOV 17 PM 2:37

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
C E R T I F I C A T E

ORDINANCE

BILL 53 (2017), CD1

Introduced: 05/19/17

By: IKAIKA ANDERSON

Committee: ZONING AND HOUSING

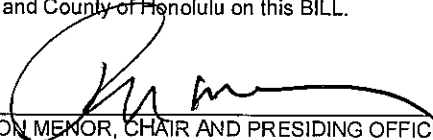
Title: A BILL FOR AN ORDINANCE RELATING TO NONCONFORMING STRUCTURES.

Voting Legend: * = Aye w/Reservations

06/07/17	COUNCIL	BILL PASSED FIRST READING AND REFERRED TO COMMITTEE ON ZONING AND HOUSING. 8 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA. 1 ABSENT: PINE.
06/29/17	ZONING AND HOUSING	CR-271 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AND SCHEDULING OF A PUBLIC HEARING.
07/01/17	PUBLISH	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
07/12/17	COUNCIL/PUBLIC HEARING	CR-271 ADOPTED. BILL PASSED SECOND READING, PUBLIC HEARING CLOSED AND REFERRED TO COMMITTEE ON ZONING AND HOUSING. 8 AYES: ANDERSON, ELEFANTE*, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, OZAWA, PINE. 1 ABSENT: MENOR.
07/19/17	PUBLISH	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
10/26/17	ZONING AND HOUSING	CR-404 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING AS AMENDED IN CD1 FORM.
11/01/17	COUNCIL	CR-404 ADOPTED AND BILL 53 (2017), CD1 PASSED THIRD READING AS AMENDED. 9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA, PINE.

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.



GLEN I. TAKAHASHI, CITY CLERK

RON MENOR, CHAIR AND PRESIDING OFFICER



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL **53 (2017), CD1**

A BILL FOR AN ORDINANCE

RELATING TO NONCONFORMING STRUCTURES.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to amend certain provisions relating to nonconforming structures.

SECTION 2. Section 21-4.110, Revised Ordinances Honolulu 1990 ("Nonconformities"), is amended by amending subsection (b) to read as follows:

"(b) Nonconforming Structures.

- (1) If that portion of a structure ~~[which]~~ that is nonconforming is destroyed by any means to an extent of more than ~~[50]~~ 90 percent of its replacement cost at the time of destruction, it ~~[shall]~~ may not be reconstructed except in conformity with the provisions of this chapter. All reconstruction and restoration work must comply with building code and flood hazard regulations, and commence within two years of the date of destruction.
- (A) Notwithstanding the foregoing provision, a nonconforming structure devoted to a conforming use which contains multifamily dwelling units owned by owners under the authority of HRS Chapter 514A, 514B or 421H, or units owned by a "cooperative housing corporation" as defined in HRS Section 421I-1, whether or not the structure is located in a special district, and which is destroyed by ~~[accidental]~~ any means, ~~[including destruction by fire, hurricane, other calamity, or act of God,]~~ may be fully reconstructed and restored to its former permitted condition, provided that such restoration is permitted by the current building code and flood hazard regulations and is started within two years from the date of destruction.
- (B) ~~[The burden of proof to establish that the destruction of a structure was due to accidental means as described above and that the structure was legally nonconforming shall be on the owner.]~~
- (C) ~~Except as otherwise provided in this section, no~~ No nonconforming structure that is ~~[voluntarily razed or]~~ required by law to be razed by the owner thereof may thereafter be reconstructed and restored except in full conformity with the provisions of this chapter.



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 53 (2017), CD1

A BILL FOR AN ORDINANCE

- (2) If a nonconforming structure is moved, it [~~shall~~] must conform to the provisions of this chapter.
- (3) Any nonconforming structure may be repaired, expanded or altered in any manner [~~which~~] that does not increase its nonconformity.
- (4) Improvements on private property, which become nonconforming through the exercise of the government's power of eminent domain, may obtain waivers from the provisions of this subsection, as provided by Section 21-2.130.
- (5) Nonconforming commercial use density [~~shall~~] will be regulated under the provisions of this subsection. For purposes of this section, "nonconforming commercial use density" means a structure [~~which~~] that is nonconforming by virtue of the previously lawful mixture of commercial uses on a zoning lot affected by commercial use density requirements in excess of:
 - (A) The maximum FAR permitted for commercial uses; or
 - (B) The maximum percentage of total floor area permitted for commercial uses."

SECTION 3. Ordinance material to be repealed is bracketed and stricken. New material is underscored. When revising, compiling or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the brackets, the material that has been bracketed and stricken, or the underscoring.



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 53 (2017), CD1

A BILL FOR AN ORDINANCE

SECTION 4. This ordinance takes effect upon its approval.

INTRODUCED BY:

Ikaika Anderson

DATE OF INTRODUCTION:

May 19, 2017

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

DUANE W.H. PANG

APPROVED this 17th day of November, 20 17.

KIRK CALDWELL, Mayor
City and County of Honolulu

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
C E R T I F I C A T E

ORDINANCE

BILL 72 (2017), CD2

Introduced: 07/31/17

By: ANN KOBAYASHI


Committee: PUBLIC WORKS,
INFRASTRUCTURE AND
SUSTAINABILITY

Title: A BILL FOR AN ORDINANCE RELATING TO CITY-OWNED STREAMS.

Voting Legend: * = Aye w/Reservations

08/09/17	COUNCIL	BILL PASSED FIRST READING AND REFERRED TO COMMITTEE ON PUBLIC WORKS, INFRASTRUCTURE AND SUSTAINABILITY. 6 AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR. 3 ABSENT: ANDERSON, OZAWA, PINE.
08/23/17	PUBLIC WORKS, INFRASTRUCTURE AND SUSTAINABILITY	CR-328 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AND SCHEDULING OF A PUBLIC HEARING AS AMENDED IN CD1 FORM.
08/26/17	PUBLISH	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
09/06/17	COUNCIL/PUBLIC HEARING	CR-328 ADOPTED. BILL PASSED SECOND READING AS AMENDED, PUBLIC HEARING CLOSED AND REFERRED TO COMMITTEE ON PUBLIC WORKS, INFRASTRUCTURE AND SUSTAINABILITY. 8 AYES: ANDERSON, ELEFANTE*, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, PINE. 1 ABSENT: OZAWA.
09/23/17	PUBLISH	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
10/25/17	PUBLIC WORKS, INFRASTRUCTURE AND SUSTAINABILITY	CR-398 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING AS AMENDED IN CD2 FORM.
11/01/17	COUNCIL	CR-398 ADOPTED AND BILL 72 (2017), CD2 PASSED THIRD READING AS AMENDED. 8 AYES: ANDERSON, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA, PINE*. 1 NO: ELEFANTE.

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.


GLEN I. TAKAHASHI, CITY CLERK


RON MENOR, CHAIR AND PRESIDING OFFICER



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 72 (2017), CD2

A BILL FOR AN ORDINANCE

RELATING TO CITY-OWNED STREAMS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to address camping at City-owned streams or portions thereof.

SECTION 2. Section 41-43.1, Revised Ordinances of Honolulu 1990, is amended by amending the definition of "Camp" or "Camping" to read as follows:

""Camp" or "camping" means the use and occupation of a city-owned stream or city-owned stream riparian zone as a temporary or permanent dwelling place or sleeping place. "Camp" or "camping" includes the laying down of a sleeping bag or other bedding material for use, or the use of a vehicle or watercraft as a temporary or permanent dwelling place or sleeping place on a city-owned stream or city-owned stream riparian zone."

SECTION 3. New ordinance material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the underscoring.



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 72 (2017), CD2

A BILL FOR AN ORDINANCE

SECTION 4. This ordinance takes effect upon its approval.

INTRODUCED BY:

Ann Kobayashi

DATE OF INTRODUCTION:

July 31, 2017

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:



Deputy Corporation Counsel KAMILLA C. K. CHAN

APPROVED this 17th day of November, 20 17.



KIRK CALDWELL, Mayor
City and County of Honolulu